# THE M'FARLAND TRIAL

A Day of Objections and Lively Spurts Between Counsel.

Mrs. McFarland's Mother on the Stand.

Maternal Feelings Stronger Than Legal Sophistry.

Interesting Rebutting Testimony by Miss Gilbert.

### A New Version of the Amity Street Story.

When the Court assembled yesterday morning an idea entered the head of the usher in charge that it uld be a wise and pleasant thing to open some of the high-reaching windows and allow the atmosphere to receive a trifle of healthy ventilation. The ffect was as magical as it was new. A stream of fresh air which had been flowing around the buildng came bounding in over the heads of the perspiring audience, brightening up every eye and refreshing the drooping energies of the weary Court

ATTENTION TO THE EVIDENCE. throng of ladies was larger than ever. Half of them were obliged to stand up in the absence of safficient room for seats. They gave a deeper and

The testimony of Mr. Eliwood that he was in posssion of the letters which it was generally suped from the evidence of Brick Pomeroy McFarnd had offered to him for publication at \$100 had an important bearing upon the particular issue by the prosecution. The impression given was that McFarland offered the letters, including intercepted one, which have already been pub lished, but as Mr. Ellwood had them in his possession at the time specified Brick's evidence goes for

A TRACHER OF ELOCITION. of Judge Davis came into court from the direction of the District Attorney's office, followed by a lady in sweet, good natured and serene expression of face. This was Mrs. George Vandenhoff, wife of the actor of that name. She appeared a little confused at first, and evidently claimed no experience in the ways of a court of justice. She testified to giving ons in elecution to Mrs. McFavland and of going with her and Mr. McFarland to a parlor reading at

AN OVERFLOWING WITNESS. Mrs. Sage, mother of Mrs. McFarland, an interest arrulous, gave more trouble to the counsel for de ence than any witness who has yet appeared. The old lady had a pleasant, motherly voice, but she seemed so full of the subject that in her responses the various interrogatories addressed by Judge Davis she would insist upon running into volu-minous answers, which all the vigilance and activity of Mr. Gerry were unable to arrest. Gerry must have made something like two hundred objections almost unavailingly, the witness would be forthcoming with answer despite the most earnest exertions of the defence. The sentor counsel looked disgusted in the extreme, and occupied himself, in silence and weariness of spirit, scrawling with a blue pencil over a sheet of paper. Judge Davis insisted upon asking

VERY IDERLIPCANT OURRIES. quite enough to make the Recorder and the opposite counsel miserable in the extreme. Judge Davis must have entertained a curious idea of the necessities and claims of the press and the public when he told the witness to talk loud enough for simply the counsel and jury to hear her, and that it mattered not if no one else did. If the reporters retorted in and there would be little heard of Judge Davis. The cross-examination of the witness by the defence was listened to with great interest, as it was sharp and searching to a great degree.

Witness—Only once. Counsel—Are you sure? Witness—Certain.

Counsel—Are you sure?
Witness—Certain.
Counsel—Are you certain beyond a doubt?
Witness (with emphasis)—Most certain.
Then the counsel walked up to the witness, placed two letters in her hands addressed to baniel McFarland and asked her if they were hers, to which she replied, after a short pause, that they were, but she had forgotten the second letter, the one of 1863, in which McFarland is not accused of being such a cruel husband as he was afterwards declared to be. Then three letters in the handwriting of her daughter were placed in her hands, but she was unwilling to identify the chirography as that of Mrs. McFarland's. Her examination was the longest and sprightliest of the entire day.

hands, but she was unwilling to identify the chirography as that of Mrs. McFarland's. Her examination was the longest and sprightliest of the entire day.

A LIVELY EXAMINATION.

Throughout the old lady's examination a lively ranning fire was kept up between the counsel on either side, so that between them and the witness, who seemed as well able to use her tongue as any lawyer, the audience were considerably and amusingly occupied. Though counsel for the defence made the witness appear inconsistent and contradictory, there was a general disposition to excuse her great zeal to make her daughter out a much abused, long suffering, good and amiable creature, and lay all the blame possible at McFarland's door. Her just deation of her daughter's course in separating from her husband and going to seek a divorce in the State of Indiana created a sensation.

ANOTHER TOUCH OF INSANITY.

Dr. Echeveria, of the New York Medical College, whose opinion on the insanity of Jack Reynolds was intended to save a victim from the gallows, gave occasion, in the course of his examination, for a contest of some length between prosecution and defence. Judge Garvin had to make a strong effort to get the testimony of the witness into any positive shape as bearing upon the case of McFarland; but the cross-examination, which elicited the fact that the witness testified Chambers was insane, made short work of the good impression made by the Doctor's first appearance.

Morther And Daughter on The Stand.

Mrs. Gilbert, mother of Mrs. Calhoun, a tall, palefaced, graceful, stately looking lady, gave evidence to prove that Richardson never wore his beard long, as some of the witnesses for the defence testified, and that Mrs. McFarland and Richardson never met at her house at the time stated by some of the prisoner's witnesses. Miss Lillian, daughter of Mrs. Gilbert, was the last witness of the day. She looked decidedly attractive in the witness chair, and spoke with elegance and self-possession, while at the same time, in the slightly flushed che

## TWENTY-PIRST DAYS PROCEEDINGS.

Testimony of David Atwood.

David Atwood, member of Congress from the Madison district, Wisconsin, was the first witness called and examined by Mr. Davis—I am the Representative of the Madison (Wis.) district in Congress; knew the prisoner in Madison; remember Mrs. McFarland giving a reading there, at which I was present.
Q. For what purpose?
Counsel for prisoner objected to this and it was ruled out.
Q. Was it a success?
Court. Build out.

Court—Ruled out.
Counsel for the prisoner here remarked that he had
read Mrs. Calhoun's letters again, and found that they
exulted in what she had done.

Testimony of Joel B. Ellwood. Mr. Ellwood was recalled for the prosecution. He oroduced the proceedings in the original suit of forfariand against Richardson. It was sought by

the prosecution to place in evidence Richardson's answer to McFarland's compraint.

Objected to and ruled out.

The prosecution decided neither to put the complaint or the answer in evidence. This witness proved that the letters sworn to by Mr. Pomeroy as described by McFarland could not have been the original letters offered to be sold by McFarland, and that McFarland was not then in the possession of hem. Mr. Samuel Sinclair Re-called.

Mr. Sinclair being recalled, objection was made reason therefor.

Mr. Davis said he wished to examine him on the entertainment given at Steinway Hall by Mrs. Mc Fariand.
Witness—A portion of the money got by this reading was given to Mr. McFariand; Mrs. McFariand came down first for the money; gave her some, but the remainder I paid to McFariand; I cannot swear positively that McFariand saked for the money; Dr. Ayer is a stockholder in the Tribune; the par value of a share is \$1,000.

Testimony of Mrs. Mary Vandenhoff. Testimony of Mrs. Mary Vandenhoff.

Mrs. Mary Vandenhoff was the next witness called. She testided that Mrs. McFariand took lessons from her husband some time in 1962 and 1963; Mrs. McFarland took lessons lor one term—two lessons a week; I remember seeing Mr. McFarland come to our house before lessons were given to Mrs. McFarland; she took lessons from me for two or three terms before she took lessons from my husband, as my terms were not as high as Mr. Vandenhoffs; I remember Mrs. McFarland giving a parior reading at the house of Mrs. Sinclair shortly after she had taken lessons from my husband; Mr. and Mrs. McFarland came for me in a carriage; I was present with him at the reading; I conversed with him on the subject of the reading, but I don't remember what it was.

Cross-examined—My husband's terms were then fifty-dollars a term, and mine twenty-five dollars; the reading I referred to as having been given by Mrs. McFarland was given in the summer of 1863.

Testimony of Mrs. McFarland's Mother, Mrs.

Testimony of Mrs. BleFarland's Mother, Mrs.

Mrs. Abigail Sage, examined by ex-Judge Davis:—Q. Where do you reside, Mrs. Sage? A. At Charles Q. Where do you reside, airs. Sage? A. At Charles-lown, Mass.
Q. Are you the mother of Mrs. McFarland, or Mrs. Richardson, formerly Mrs. McFarland? A. Fam. Q. How long have you resided in Charlestown, Mass? A. Five years. Q. When did your daughter's marriage occur? A. On the 14th of December, 1867.
Q. Had your daughter resided at home previous to

Q. When did your daughter's marriage occur? A. On the 14th of December, 1857.
Q. Had your daughter resided at home previous to that time? A. Yes, most of her life; in 1857 she stopped a little time in Boston.
Q. What educational advantages had been given to her? A. She had been to a school in New Hampshire and a school in Connecticut.
Q. Had she graduated at schools? A. Yes.
Q. Had she been a teacher in a school at New Haven? A. Yes, she was a teacher at Webster's school.

Q. Her range of education had carried her to a proficiency in Latin and in the French ianguage? Question objected to. Counsel for the defence said that it would be requisite to have some know-ledge of the proficiency of a person in Latin and age Davis 1 udge Davis—It will be in the recollection of the uri that when this case was opened this witness' ughter was described as a poor factory girl whom per oner had married and elevated her into slety by education and otherwise.

The Court—Is the prosecution bound to answer ery charge made by the opening of the counsel when the counsel was the defense.

every charge made by the opening of the counsel for the defence?

Judge Davis—Well, we are bound to show that it was not as proved by the defence.

The Court—I think that you do not mean that the witness is an expert in Latin?

Judge Davis—Well, Mrs. Sage, had she studied Latin or French? A. Yes.

Q. What was her age at the time of her marriage?

A. About twenty.

Q. After the marriage did they leave your house?

A. They went to Madison in Wisconsin; they told me that they were going.

Q. How long did they reside there? A. Eleven weeks from that time she was back at my house.

Q. Where was Mr. McFarland at the time? A. He was at New York.

Q. How long did she remain? A. She remained at home two weeks, and then went back to New Haven, and from there to New York.

Q. When was she back at your house again? A. She was back on the 20th of May, and remained there until August, when she went to housekeeping in Brooklyn.

Q. When did you next see them? A. I think it

there until August, when she went to housekeeping in Brooklyn.

Q. When did you next see them? A. I think it was in the fall, in September.

Q. When was their first child born? A. On the 11th of December, 1858.

Q. Where was that? A. In Willow street, Brooklyn; I remained as a nurse there during her sickness; my second daughter was there, also.

The Court—Is it needful, Judge Davis, to go through all this? Here we are in 1858, eleven years before this occurrence, for which the defendant is now on trial.

through all this? Here we are in 1898, eleven years before this occurrence, for which the defendant is now on trial.

Judge Davis—It is to answer charges made in the opening of this case by the defence.

The Court—I don't think you are bound to answer the statements in the opening. It is not necessary for the prosecution to es ablish antagonistic evidence except they have been fortified by proof.

Judge Davis—I desire to prove that in 1858 the first child died at this lady's house. I wish also to prove, in fact that all the expenses of the funeral and the board and maintenance were all borne by Mr. Sage, and shall also prove that the children were born at the grandparents' house.

Prisoner's counsel—All these pretences are unfounded, and if allowed all the enemies of McFarland may be brought here to swear against him. I submit that all this is highly improper, and in a few minutes, at the proper time, I will submit by documents and not by manufactured evidence, the relationship of McFarland and his wife from day to day from the moment we have laid this case, which is only from the time they went to live in 72 Amity street.

The Court—I think it competent for the prosecu-

and searching to a great degree.

Counsel, with sky-blue glasses on his Roman nose, head thrown back, and in a voice of appailing solemnity, inquired—Can you tell the Court and jury if you wrote more than once to Mr. McFarland did not support his wife and family during jury if you wrote more than once to Mr. McFarland did not support his wife and family during the supported hereaft by land did not support his wife and faintly during that time, and that his wife supported herself by her own exertions and was partly supported by he

her own exertions and was partly supported by her friends.

Witness continued—She returned in spring, 1859, and remained until July; the child died there.

Q. Who paid those expenses? A. I think my husband did, but I don't know.

Q. When did she return again? A. She returned to my family again in October; it was in the fail.

Q. How long did she remain? A. She remained until August, 1860.

Q. That is from October, 1859, to August, 1860. A. Yes, she resided in my family.

Q. Where did Mr. McFarland reside? A. In New York.

York.
Q. Who attended Mrs. McFar'and during her ill-ness? A. We hired a nurse.
Q. In August Mrs. McFarland left? A. Yes; in August, 1860.

August, 1869.
Q. Where did she go? A. She went to New York.
Q. When did she return again? A. The following o. How long did she remain? A. Four or five

Q. How long did sne remain? A. Four or five weeks.
Q. Where did McFarland tell you he was going to?
A. He said he was going to Wisconsin; they stopped in Philadelphis.
Q. You had a correspondence with your daughter while there? A. Yes, I had letters from my daughter every week.
Q. How long did they remain at Madison? A. They remained there until they came from Madison in 1862, and came to my house.
Q. When did she go away? A. She went away some time about the 1st of July.
Q. When did she first tell four about her going on the stage? A. We were standing on the stop of the front door and Mrs. McFarland said, "I am going on to the stage;" I replied that "I had been reading Mrs. Mowatt's life, and I think it is a very hard life;" Mrs. McFarland answered, "Oh, it's not so hard."
Q. How long was it befere she left Wisconsin after this? A. She went away soon afterwards.
Q. They came on from there then to this city? A. Yes.
Q. When did your daughter return to your house?

Yes.
Q. When did your daughter return to your house?
A. The next June.
Q. When was Danny born? A. She remained that
August; the child was suffering from whooping The Court—Cannot you limit this examination to What can the whooping cough of this child have to

What can the whooping cough of this child have to do with this case?

Judge Davis—We propose to show that the prisoner wrote a letter, demanding the return of Mrs. McFarland with that child, when it had the whooping cough, and that in that letter he threatened that if she did not return he would burn down her fathers house. Your Honor will recollect that it has been proved that all this correspondence has been seized. The Court—Well, go on, go on; only make it as trief as you can.

Q. That letter has not been preserved—it is not now in existence? A. No, not that I know of.

Q. When did Mrs. McFarland come again? A. She brought the eldest boy with her in March, 1864.

Q. It was your family who took care of her in her sickness, and she remained until July, 1804? A. Yes.

Yes,
Q. When did she next come to your house? A.
In the fall of 1865 she removed from Madison.
Q. When was she next at your house? A. She came in June, 1866, having the children with her; she went to Shelburne, N. H.
Q. What is known as the White Mountains? A.

Q. Did she receive any letters from Mrs. Calhoun? A. Yes.

Q. Was that letter read in your presence? (The letter was handed to witness, and was stated by Judge Davis to be a letter from Mrs. Calhoun to Mrs. McFarland, already published, announcing her success in procuring an engagement for Mrs. McFarland at the theatre.) A. It was, and McFarland approved

the theatre.) A. It was, and McFariand approved
of it.

Q. Now to go back at the time you nursed her,
during her sickness with her first child, do you recollect while there anything respecting McFariand's
intoxication? A. Only once; I went down into the
kitchen and I found that he had vomited all over the
kitchen and he smeit as though he had been drinking liquor; this was in 1856.

Q. Do you remember his coming to your house at
any time when he was intoxicated? A. He came in
a carriage to the door, and there was a row outside,
and i found he was having a quarrel with the driver,
and he was then intoxicated.
Q. Percy at the time of the separation was seven
years old; how much of that seven years had been
spent in your family? A. About half of that time.
Q. Was there any compensation made for the time

they had lived in your family? A. Not as far as I know; they sent me ten dollars once.
Q. Do you know the handwriting in that letter?

Q. Look at that promissory note. Is that the sig-tature of McFarland? It is. Sonsucration for money of Mrs. McFarland from d of my husband, and during the following summer, she that part of the time at your house? A. Yes. 3. At what time did she present herself at your use in the fall of 1869? A. On the last day of Occurs in the fall of 1869? A. On the last day of Occurs in the fall of 1869? A. On the last day of Occurs in the fall of 1869?

ODER, 1859.
Q. How long did she remain there? A. She remained there until January, 1870.
Q. Do you recollect the time of the shooting or the killing? A. I do. she at your house at that time? A. She

Q. You accompanied her to this city? A. I did.
Q. How long did she remain? A. She remained until after the death of Richardson and then she returned to my house.
Cross-examined by prisoner's counsel—Q. Mrs. Sage, it is no discredit to your daughter that she worked in a factory? did she net work in a factory?
A. She never worked in a factory.
Q. Then she really did no work for herself, in that way, until 186? P. A. She had a loom in her father's factory, and she might have worked there.
Q. You have given us various times when Mrs. McFariand visited you with her children, when she came and how she left—how do you remember all these things? A. I have looked it over and thought it over.

Q. How many daughters have you had? A. Three. Q. How many daughters have you man? A. Three.
Q. Do you mean to say that none of these visits of your daughter to your family were the result of affection and a desire to visit her family? A. I don't know that they were.
Q. Then you do wish the idea to be conveyed that the visits were the result of pecuniary want? A. Most of them I expect were for that purpose.
Q. Were any of them visits of affection? A. How do I know?
Q. You don't know, then, whether she had made any arrangements with her husband for paying you for her board? A. I don't know anything about that; I did not know what money she was supplied with.

with.
Q. Do you remember the trouble about Percy and
the habeas corpus proceedings? A. Yes.
Q. Do you remember whether you wrote a note to
Mr. McGarland after he got Percy back? A. I wrote Q. You cannot be mistaken? A. No, I'm not mis-

Prisoner's counsel—That is right.
Q. Now, dia you write that note? (Note handed o witness.) A. Yes, it was 1867, or January, O witness.) A. Yes, it was 1867, or January, 1868.

Q. Now, did you not write him a second note when Percy got back? A. No, I did not.

Q. Is that your handwriting? (Handing witness the notes.) A. That is my writing, but I had forgotten all about it; those are both my letters.

Prisoner's counsel—That should be a warning to you, Mrs. Sage.

Q. Now, Madame, do you know your daughter's handwriting? Is that Mrs. McFarland's handwriting? A. It is not like her writing! I cannot say. (The same answer was given in reference to two other letters.)

Q. Did you ever see Mr. Richardson? A. I did.
Q. When did you first see him? A. In Charlestown, in the fall of 1807, when he came to Mr. Cleveland's.

reland's. Was your daughter stopping there? A. No, she Miss Gilbert came with Mr. Richardson? A. In never heard of him.

Q. Then you never heard of any intercourse between them until the first shooting? A. No, I did Q. When did you first know that Richardson was about to marry your daughter? A. I cannot tell

Q. Was it in 1887? A. No, not in 1887. Q. Cannot you tell when it was? A. No, I cannot Q. Cannot you tell when it was? A. No, I cannot tell you.
Q. How many years is it since Richardson intimated his with to marry your daughter? A. It might be one year or it may be two.
Q. Cannot you remember whether it was 1867, 1868 or 1869? A. I don't remember.
Q. When did you hear of the intercepted letter?
A. In the straing of 1867, or somewhere about there; I heard k.ere was a great fuss about this letter.
Q. Did you hear during that spring that Richardson was going to marry your daughter? A. I heard of it then.
Q. You never knew what was in that letter? A. I

Q. You never knew what was in that letter? A. I

Q. You never knew what was in that letter? A. I do not know except what people told me.
Q. What is your opinion of this letter? A. I think that was rather a rash letter after the separation.
Q. Is that ai! A. Yes, on his part; I believe my daughter's conduct has been perfectly good; yes, sir, up to this hour; I have not rend Mrs. Mason's testimony or Mr. Swan's; I have not even read the intercepted letter.
Q. Do you approve of Mrs. McFarland's conduct in associating with Mr. Richardson and going to Indiana to procure a divorce for the purpose of marying Mr. Richardson?
Mr. Davis objected, and the Recorder said he did not see what the opinions of the witnesses had to do with the case.
Prisoner's counsel contended that he had a right to test the moral views of each witness, and if they differed widely from the ordinary standard to comment on it. He thought this especially applicable in view of this witness' failure to identify her daughter's handwriting.

view of this witness' failure to identify her taking ter's handwriting.

The Court allowed the question.

A. I see no harm in doing so; I am residing with my daughter in Woodside; she did not send me money to come on; I expect the expenses of coming on to come out of my own pocket; I first saw Mrs. Calhoun's leiter in 1866; I don't know how long my daughter had had it; she did not say how long; I was then living in Boston; I don't remember any other letter; he said "it was a splendid letter;" my attention was not directed to this letter eat ail; I knew by hearsay that he had taken all Mrs. Calhoun's letters; I don't know when I heard of this letter being read; when I did hear of it I remembered that it was commented upon.

upon.

Q. Do you approve of the change of Danny's name? A. If he chooses to call himself so I suppose he has a right to do so; I have not changed his name; no one has given him the name of Sage.

Q. He is a child of five years of age. Has he changed his name? A. He is called by that name; I have not changed it.

The court hore took a recess.

After Recess.

Upon the re-assembling of the court Mrs. Sage again took took the stand and testified on cross-exmination—
Mr. McFarland and his wife, after the reading of Mr. McFarland and is whe, after the reading of this letter, remained a few days, running into Octo-ber; I am perfecily certain that he was in Boston the latter part of September, 1866; I am sure of it from a letter received from Mr. McFarland from Manchester, to which he went from our house.

Testimony of Lizzle J. Sage. Testimony of Lizzle J. Sage.

Lizzle J. Sage was next called on and testified—
Lives in Charlestown, Mass.; am sister of Mrs.

Richardson, formerly Mrs. McFarland.

Q. Did you at any time stop with them while they
lived here or in Brooklyn, at the corner of Clark
and Willow streets; during that time I saw
the defendant intoxicated; it was on a
Saturday; he was to bring fine to the Maseum;
he brought me to the matinee play; he
came in Wills me and only remained a few minutes,
when he made an excuse to go out; he stopped some ne brought me to the mathee play; he came in with me and only remained a few minutes, when he nade an excuse to go out; he stopped some time, when he returned, and I smelled whiskey of his breath; he stopped but a few minutes, when he went out again, saying he would not be long, but he did not return until after the matine wis over; I then waited a few moments and was leaving the place when I met him at the vestibule door; he was then very much intoxicated; we then left, and after waiking a few blocks he said he had to make a call at a house on our way to the ferry; he staggered so that I had to help him along; he went into the house and I walked on a few blocks; he remained there about five minutes and when he came out I walked towards him and asked him if his visit was satisfactory; when he came up to me he took me by the hands and kissed them and muttered some words which I could not hear or understand, but that he spoke to me as "love" and "dearest" (laughter); I was staggered myself at his conduct and language; I looked up at Trinity church clock and saw it was a quarter to five; I told him that Addie would be alarmed and to hurry home.

Q. Was there any other occasion on which you saw him intoxicated? A. Yes; on the 1st of December of the same year, 1862, he came home very much intoxicated and your mother do all the domestic work of the family while you were there? A. Yes. Not cross-examined.

Deposition of Phæbe Wood Offered in Evi-

Deposition of Phobe Wood Offered in Evi-

Mr. Gerry objected to the introduction of the testi-Mr. Gerry objected to the introduction of the testimony as irrelevant and immaterial at the present stage of the case. There are certain depositions taken by us which may become pertinent on the question of this so-called Indiana divorce. But I submit that there has been nothing ofered in the evidence submitted that warrants the introduction on the part of the prosecution of testimony like this.

The Court—Do I understand that the depositions proposed to be read were taken on a commission moved by you?

The Court—Do I understand that the depositions proposed to be read were taken on a commission moved by you?

Mr. Gerry—Yes; but that is not the point now; we object to the reading of these depositions, because the testimony is immaterial and irrelevant at this stage of the proceedings.

The Court—I cannot judge of the nature of the testimony till I hear it.

Mr. Davis—I propose to read this deposition to show when Mrs. Richardson took up her residence at Indianapolis, how long she remained there, and when she left there; the object being to disprove the testimony put in by the defence tending to, show that instead of residing in Indiana, as she was in fact all this time, that she was living in New Jersey and other places; we will show that she residedgin the State of Indiana for fifteen months, a period covering all the time that they sought by witnesses to establish she was at other points.

The Court admitted the depositions.

Mr. Davis then proceeded to read the direct interrogalories of Mrs. Wood. Mr. Gerry reading the cross.

The depositions were then put in evidence. Deposition of Schnyler Colfax. Davis then proposed to read the de Schnyler Colfax.

Mr. Gerry ot art. Davis—To be frank, have not read the expensition of Mr. Colfax, but his name has been dragged into the case in various ways; I have his deposition in my hand and I propose to read it because it is his evidence in answer to that given by the defence through the mouths of other witnesses, and because, whether it hurts him or exculpates him, it is due to Mr. Colfax that his testimony be read.

The Court—I do not recoliect his name being used by the defence; I do not know the slightest way in which he is connected with the case so far as the featiment cost.

Dr. Echeverria was called, and testified—I am a professor of mental and nervous diseases at the University Medical College, Physician-in-Chief at the Epileptic and Paralytic Hospital; I have been for the last twenty years engaged in the treatment of nervous diseases, first in Europe and then here; I was in Paris in 1835 and 1859; I have visited lunatic asylums in Germany; in London I was appointed Resident Physician of the Epileptic and Paralytic Hospital and held it for a year; I have read the evidence of Drs. Hammond and Vance in this case; I agree generally with their opinions as to the normal functions of the brain; I define insunity as that condition of the mind where there is a failure of the faculty of judging, or an uncontrollable impulse of the mind, with a loss of power of the will, accompanied by disease; delusion proper is any false perception there is not always insanity where there is an uncontrollable violence of emotion; if disease coexists then if the emotion is traceably connected with the disease, there is insanity.

Q. Can a person having this uncontrollable emotion have a clear knowledge of right and wrong? A. I supposes so; I make up my mind as to the freedom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom of a man's act by comparing it with his predom Testimony of Dr. Echeverria.

disease, there is insunity.

Q. Can a person having this uncontrollable emotion have a clear knowledge of right and wrong?

A. I suppose so; I make up my mind as to the treedom of a man's act by comparing it with his previous history; I do not admit of instantaneous
insanity with complete health of mind and
body before and after; there will always be
symptoms before and after which, on careful examination, will be detected as showing
disease of mind; emotional insanity may take the
form of melanchoita or of monomania; the first is
the depression of spirits; the second includes homidial mania, suicidal mania and other manias; the
form of melanchoita is a continual depression; monomania is when the mind continually runs on one
subject—on killings, on burnings, on robberies, &c.

Q. Suppose a man who has been able to distinguish between right and wrong commences to
threaten a man with shooting, lies in wait for him
and finally shoots him, would you regard it as proof
of linsanity? A. I should inquire if there were any
motive for this change.

Q. Suppose there was besides the rest a grudge
against the victim growing out of a wrong? A. Do
you mean a real wrong or a mere delusion?

Q. No. Suppose it were real?

Counsel for defence objected to this and insisted
that the question should be put in the form they had
used.

After some discussion a question was put covering.

After some discussion a question was put covering all the above points, and the witness answered, I should think the man was not insane; I have read all the evidence in this case as given in the newspapers, with a view to making up my mind as to the sanity or the insanity of the prisoner.

Q. What was that impression?

Counsel for defence argued that as the newspapers had not published all the testimony the queetion could not be put, and the District Attorney waived the question.

Counsel for defence argued that as the newspapers had not published all the testimony the question could not be put, and the District Attorney waived the question.

The winess—I have read the Herald, World, Tribune, Sun, and sometimes the Times; I read the testimony as to the death of the cousin from softening of the brain; if that arose from hereditary disease in the cousin, than it would be proof of hereditary tendency in the prisoner, but I should never think of proving hereditary tendency starting from a cousin; insanity, when hereditary, usually shows itself in all members of the family.

Q. Take the case of a man whose pulse ran up from 404 to 124 on the exhibition of a picture of a wife who he declared had been false to him, and the blood vessels of whose eye were gorged, what proof would you regard that as to samty or insanity? A. None at all; meanity cannot be deduced from physical signs alone; those symptoms might be produced by cerebral desease alone; cerebal disease exists often without insanity; there is a form of insanity where the enlargement of a pupil and muscular twitching, and so on, exist; but they are always accompanied by extravagant ideas of the insane, and other symptoms, staggering in the gait, &c.; we call that general paralysis of the insane, and other symptoms, staggering in the gait, &c.; we call that general paralysis of the insane, insane acts are the result of maniacal excitement of partial delirum, or the residual effects of what is called epileptic mania.

To counsel for Defence—I pronounced Reynolds unfit to be executed, but not insane; the verdict was obtained on the testimony of Drs. Vance and Hammond as to his mental condition; on my affidavit a motion was made for a respite; i don't know that the District Attorney used Dr. Hammond's affidavit against mine; I was examined in the Chambers case, and swore to his insanity; i have never personally examined Mr. MoFarland.

Testimony of Mrs. Gilbert.

Testimony of Mrs. Gilbert. Mrs. Gilbert, mother of Mrs. Calhoun, was next examined—Resided in Morris street, Jersey City; re-sided there since May, 1860. Q. Are you acquainted with Mrs. Richardson? A. I am.

I am.
Q. How long have you been acquainted with her?
A. I first saw her in 1806.
The Court—What is the purport of producing this witness?
Mr. Davis—To disprove the testimony of the witnesses for the defence who swore to seeing Mr. Richardson and Mrs. McFariand at the house of this witness in the summer, when the fact was that she was not there at all that time.

The Court—Proceed.
Q. You are the mother of Mrs. Calnoun? A. I am.
Q. Did you know the late Albert D. Richardson

Q. Did you know the late Albert D. Richardson?
A. Id d.
Q. Were you well acquainted? I was.
Witness then proceeded to give a description of
the personal appearance of the deceased Richardson.
Q. You have a son-in-law? A. Yes.
Q. What is his name? A. Thomas Holder; he
came to my house last summer with a lady; that
was some time in August.
Q. Who came to your house with Mr. Holder on
the occasion you spoke of?
Objected to.
The Court—I suppose it is intended to show that
Mr. Richardson was mistaken for this Mr. Holder?
District Attorney—That is exactly the case, your
Honor.

Q. Who came with Mr. Holder on that occasion A. His wife—my daughter.

Q. How long did they remain at your house? A. I think about four weeks that first time; they came again in the course of the season; they remained on the latter occasion only two or three days; they came again in December and left at the end of that month.

month.

Witness described the style of the hirsute appendages worn on cheek and chin by her son-in-law, Mr. Holder, and stated that her son wears a long Mr. Holder, and stated that holder house near New-beard.

Q. Was Mrs. Richardson at your house near New-ark at any time during 1868 or at any time prior to the commencement of this trial? A. She was not; I never saw the little boy Danny till within the last few days; he never was at my house near Newark.

was not; I never saw the little boy Danny till within the last few days; he never was at my house near Newark.

Q. Did you know that Mrs. McFarland played at the Winter Garden? A. I did.
Q. Do you know who used to escort her from that theatre during the time she played there. A. Her friends; my husband, and myself went for her several times.
Cross-examined—Q. Was Richardson at your nouse in Jersey City at any time last August or September? A. He was.
Q. What portion of these months was he there? A. I think he was there about the 1st of August, but he went to California at that time.
Q. How long was he away? A. I think about six weeks; I don't recollect.
Q. Might he not have gone in September? A. I am not quite sure about it.
Q. Was Mrs. Richardson stopping at your house when he came there? A. She was; she let in July, 1868.
Q. How do you fix the time Mrs. McKarland letter.

when he came there? A. She was; she left in July, 1868.
Q. How do you fix the time Mrs. McFarland left as being in July, 1868; might it not have been August?
A. No, sir, because I know the exact date.
Q. What is the date? A. July 21.
Q. How do you know that? A. From a memorandum I kept.
Q. What was that memorandum? A. It was the memorandum of a little account I had with Mrs. McFarland; she came with me to the house in Jersey City, when I moved there; that was on the 12th of May.

City, when I moved there; that was on the 12th of May.

Q. Did Richardson, while stopping at your house in Jersey City last August, wear a pepper and salt suit? A. No.

Q. How do you know that? A. I am sure of it; he never wore a suit of that kind to my knowledge, Q. Did a lame gentleman, accompanied by a lady, come to your house? A. Yes; that was my son-inlaw and daughter.

Q. Did you not see Mrs, Richardson at all during the year 1869? A. I did not; I never saw her from the time she left my house in 1868 till last December.

Q. Did I understand you to say that this account which fixes the 21st of July was an account you had with Mr. Richardson? A. No; I said it was an account I had with Mrs. Richardson.

Re-direct—Q. Was that an account for her board?

A. No.

Miss Lillian L. Gilbert, examined by Mr. Davis-where do you reside? A. No. 57 Morris street, ey City.

Q. You reside, then, with your parents? A. Yes, Were you acquainted with Mrs. McFarland? A.

I was.
Q. You recollect when she lived at Mr. Mason's, 71
Amity street? A. I recollect when she lived at Mr.
Mason's, 11 don't recollect what number.
Q. Do you recollect on one occasion after her
separation from her husband going with her to that
house? A. I do recollect going with her there on
several occasions.
Q. Do you recollect after her separation from her
husband going with her there for the purpose of
getting cartain papers? Objected to.

object.
The Court admitted the question as tending to impeach the testimony of Mrs. Mason, who gave evidence for the defence on this part of the case.
Witness—Mrs. McFarland asked if we could go into Mr. Richardson's to procure some papers he had written to me for; Mrs. Mason said she had no objection; I went into the room and to the deak and got a package of papers I found there and then went away.
Q. Did Mrs. McFarland take any papers on that cocasion? A. No.
Q. Subsequently do you recoilect Mrs. McFarland there of nights? A. I do; two nights she occupied

O. Did Mrs. McFarland take any papers on that occasion? A. No.

Q. Subsequently do you recoilect Mrs. McFarland there of nights? A. I do; two nights she occupied the rooms she formerly occupied.

Q. Was anybody with her on those occasions? A. Xes; I was with her.

Q. Did you sleep with her those nights? A. I did.

Q. Do you recoilect on any of those nights Richardson coming there? A. I do; I recoilect he came one evening about eleven or twelve o'clock, having come from Hartford on the evening train.

Q. Who was there at the time? A. Mrs. McFarland, J. H. Brown and myself.

Q. State how you happened to be there? A. We had been at the theatre to escort Mrs. McFarland home.

c. State now you happened to be there? A. We had been at the theatre to escort Mrs. McFarland home.

Q. How long had you been in the house when Richardson arrived? A. About twenty minutes or half an hour.

Q. Did Richardson remain in the house that night? A. I. suppose he did, but I don't know positively.

Q. On that night who remained with Mrs. McFarland? A. I did.

Q. Were you thore the following morning when Mrs. McFarland took breakfast with her.

Q. Was Richardson there? A. He was not there? Q. Did you see him that morning? A. I did.

Q. State all you know with respect to his movements that morning. A. Mr. Richardson came and knocked at the door about nine o'clock and asked if he could come in; Mrs. McFarland was not there at the time, and I said to him that the room was not prepared and that he could not come in yet; he went away and in about five minutes came again and again knocked at the door and asked if he could come in; I said he might; Mrs. McFarland had not yet come back at this time; he remained about five minutes; after Mrs. McFarland came in he remained about five minutes—fitteen minutes; after Mrs. McFarland came in he remained about five minutes—fitteen minutes in ali; he did not take breakfast there nor was he invited.

Q. Were you in the habit of going to escort Mrs. McFarland from the theatre? A. I was.

Q. Do you remember the night of the first shooting? A. I do.

Q. Do you remember the might of the first shooting? A. I do.

Q. Do you remember the might of the first shooting? A. I do.

Objected to.

The Court—The question is not competent. It is in evidence that he did escort Mrs. McFarland that night; why he did so is immaterial.

Mr. Davis—I propose to show by this evidence that this lady (Miss Gilbert) and Mr. Browne were that night; and equested him to go to the theatre that night and escort Mrs. McFarland home; that he consented and accordingly went. The question not admitted.

Cross-examined—I never was with Mrs. McFarland when I was introduced to Mrs. Masson as being energy in the

The court then adjourned till eleven o'clock this

### SISTERS OF THE STRANGER.

Yesterday afternoon the above named society held their regular monthly meeting in their rooms, No. 45 Bible House. After prayer by the Rev. Dr. Deems, the monthly and (the 1st of May being the anniversary of the society) annual report was read. The former shows that forty-eight persons were helped during the last month, twenty-one of whom were foreigners and twenty-seven native Americans and of the latter twelve were from the Northern and fifteen from the Southern States. The annual report shows that assistance was rendered to 459 persons during the year, 189 of whom were foreigners and 239 Americans. Of the latter ninety-eight were from the Southern and 141 from the Northern States. Each one of these, however, represent more than one person, for when the head of a family is helped a dozen, more or less, is helped, but only one person is entered on the books.

After the reading of the two reports and transacting some other unimportant business the following ladies were elected managers:—Mrs. Blake, Mrs. Seixas, Mrs. C. F. Deems, Mrs. J. Thomas, Mrs. R. C. Gardener, Mrs. J. L. Graham, Mrs. F. A. Molton, Mrs. R. H. Johnson, Mrs. J. D. Radcillf, Mrs. Geo. Lansdale, and Mrs. M. C. Lloyd.

The Society of the Sisters of the Strangers is indeed one of the most beautiful charittes in the city of New York. The formation of such a society was

The Society of the Sisters of the Strangers is indeed one of the most beautiful charities in the city
of New York. The formation of such a society was
suggested to a few laddes by Dr. Burns, whose position as pastor of the Church of the Strangers
brought him more work of the kind than he
could possibly attend to. They agreed to
help him and did so. In the meantime
the work spread and ladies from other churches
were brought in, and in this way the society has
grown to be quite an institution. They give help
only to strangers, to those recently arrived in the
city, who have failen into trouble. The following is one of many similar cases that are constantly
receiving their attention:—

A gentleman came from the South, was disappointed in his business, could not communicate
with his friends, was taken iit, became penniess and
helpless at a hotel. The "Sisters" added him, hired
professional nurses, afterward secured a place in
our best and most respectable hospital, cared for
him three months and then obtained a free passage
in a steamer to his home. He has since written
back most gratefully, attributing the preservation of
his life to the attention of the "Sisters."

WILLIAMS, THE ENGLISH "CRACKSHAN,"

Jorsey-Making a Clean Breast of the Mat-ter-All the Drawbacks and Bonds Stolen from a Lady in Paris-Additional Interest-

ing Particulars.

John Williams, alias Scrimshaw, whose capture and committal to a Jersey prison in default of \$20,000 ball, pending an examination on a charge of smuggling diamonds, was recorded in yesterday's HERALD, made a clean breast of his crime yesterday in presence of Colonel Whitely and detective Nettleship. His statement is to the effect that four weeks ago last Thursday, in com-pany with a London "pal," and with the assistance of a servant maid, named pany with a London "pal," and with
the assistance of a servant maid, named
Martha, he succeeded in carrying off some
£10,000 worth of bonds and about £3,000 worth of
diamonds, together with about £3,000 worth of
french bank noies, from the residence of Madame
de Hart. In Paris. The girl Martha was employed
there as a domestic, and received as her share of the
plunder the ready money, while the men were to
divide the diamonds, as they had done the
bonds. In the meantime Williams took possession
of the diamonds, and, as he says, was chased so hard
by the French detectives that he was not able to see
his pal and come to a settlement about the diamonds.
This part of his story is construed by our American
detectives into the view that he "chiselled" his pal
as well as Madame de Hart. If this view be correct
what becomes of the theory that there is honor
among thieves? Reaching London, Williams discovered that it was too hot for him there and
started for Southampton, getting there just in time
to secure passage on board the Main. When
arrested on Monday at the Hoboken ferry he was
in company with a young girl whom he claimed to
be his wife. She, however, was let go. Yesterday
she visited the Essex county jail at Newark, where
the prisoner is confined, but was not permitted to see
him for reasons best known to the authorities.
The authorities have no idea that she is "Martha,"
although the latter is believed to be within 120
miles of the metropolis. On being searched again
yesterday there was found in possession of the
prisoner some more diamond jewelry of rare workmanship—a pair of braceless particularly being of
great value. He offered one of his captors
a handsome sum for a chance to stip; but the Jersey
officer was bribe-proof. Williams is to have a preminary examination on the charge of smuggling
to-day before Commissioner wnitchead at Newark.
In the meantime the French authorities have been
notified.

notified.

As the arrest was made in New York considerable discussion has arisen on the subject of his being run over to Jersey for trial. Can it be, as some assert, that it was feared justice would not be done him in the metropolitan courts?

#### A \$5,000 BOND ROBBERY. About one o'cleck yesterday Benjamin Clapp, of

229 West Twenty-fifth street, while standing at the desk in the banking house of Vermilye & Co., 16 Nassau street, was robbed of \$6,000 in United States coupon bonds by an adroit thief, whose description could not be given by the victim.

## A BIG NATIONAL BANK JOB

A Bill of Financial Abominations-Oredit of the Government Loaned to Wildoat Corporations-List of National Banks That Have Already Failed or Gone Into Voluntary Liquidation-Deposits in Mational Banks-Depositors' Losson.

General Gardeld has reported from the Committee on Banking and Currency a bill (No. 1,900) Which provides that certain national bank associations may pay into our national Treasury \$104,500,000 and recurrency. The bill, in fact, makes a free gift of \$95,000,000 to certain national bank managers, pays them \$4,702,600 per annum interest on securities (greenbacks) that are now acceptably placed in the market free of interest, and, in order to make true the old saying that "the devil always heaps upon the largest pile," loans the aforesaid national bank-

for increasing national bank subsidies that are being pressed upon the attention of Congress has scarcely been noticed. They all provided in effect that the government of the United States shall loan its credit without limit, to any and all associat that manage to secure a national bank franchise Whether the managers are solid business men or the worst sharpers out of the penitentiary, all have the credit of the United States government alike. A wildcat concern like the one that falled in this city a few years ago is served as generously as the sound

A national bank association pays \$110,000 into the national Treasury and receives therefor \$210, 000 in gold-bearing bonds and currency, \$110,000 of the former and 100,000 of the latter. The bonds are deposited with General Spinner for safe keeping and deposited with General Spinner for safe keeping and for his convenie nee when paying the interest on them. The currency is used by the bank in course of regular bus iness, whatever that may be. The concern being a "national" bank, its circulation endorsed and secured beyond peradventure by the national government, and having bonds deposited with the United States Treasurer at Washington to secure circulation, of course enjoys a degree of popularity, credit and opportunity of obtaining private deposits that the same men could perhaps never have without their "national" franchise. Being a "national" bank, most people suppose as a matter of course it must be a good and safe pince to deposit, and act accordingly.

never have without their "national" franchise. Being a "national" bank, most people suppose as a matter of course it must be a good and safe pince to deposit, and act accordingly.

The Consequences.

Suppose the bank fails before receiving anything from depositors. The billhoiders are gecured, and when the association returns its circulation to the United States Treasurer it gets its conds in return, and no interest suffers loss. But suppose, as has been the case with national banks in this city, New Orleans and other places, the bank fails after getting, by virture of its "national" character, haif a million dollars, more or less, of depositors' money.

Of course, in such cases, the noteholders come off without loss; the depositors lose their all, and the bank managers retire to enjoy their plunder.

Under the Garfield bill any set of sharpers who can raise \$50,000 may form a "national" banking association, secure their share of subsidy and go at once to work enicing unwary depositors to ruin.

As a rule national banks are not as gate depositories as houses that depend entirely on their own resources; but thousands deposit in them because of their "national" character. Congress has no right to thus loan the credit of the government. Let every tub stand on its own bottom. Let depositors use their own judgment. They should not be induced to deposit with banks having a "national" character, but without responsibility of any kind.

DO NATIONAL BANES EVER PAIL?

The impression has been created by the Treasury ring organs that national banks rarely or never fail. I have therefore compiled from the records of the Treasury Department a list of the national banks that have already failed and for which receivers have been appointed. Here it is:—

First National Bank of Medina, N. Y.

Venango National Bank of Medina, N. Y.

Venango National Bank of Medina, N. Y.

Tennessee national Bank of Memphis, Tenn.

First National Bank of Selma, Ala.

Pirst National Bank of Selma, Ala.

Pirst National Bank of New York city.

First

states notes in the freasity for recempositions is tanding circulation:—
Fourth National Bank of Indianapolis, Ind. National Union Bank of Rochester, N. Y. First National Bank of Leonardsville, N. Y. Farmers' National Bank of Richmond, Va. National Bank of the Metropolis, Washi O. C.

First National Bank of Eikhart, Ind.

First National Bank of Providence, Pa.

First National Bank of Newton, Mass.

National State Bank of Dubuque, Iowa.

Ohio National Bank of Cincinnati, Ohio.

First National Bank of Kingston, N.

First National Bank of Bluffon, Ind.

National Exchange Bank of Richmond,

First National Bank of Skaneacieles, N. Y

First National Bank of Downingtown, P

Y.
First National Bank of Steubenville, Ohio.
First National Bank of Plumer, Pa.
First National Bank of Danville, Va.
First National Bank of Dorchester, Mass.
First National Bank of Oskaloosa, Iowa.
Merchants and Mechanics' National Bank of Troy,

First National Bank of Oskaloosa, Iowa,
Merchants and Mechanics' National Bank of Troy,
N. Y.
National Savings Bank of Wheeling, W. Va.
First National Bank of Marion, Ohio.
National Insurance Bank of Detroit, Mich.
National Insurance Bank of Detroit, Mich.
National Bank of Lansingburg, N. Y.
National Bank of North America, New York city.
First National Bank of Ciyde, N. Y..
First National Bank of Ciyde, N. Y..
First National Bank of Rew York city.
Savannah National Bank of Savannah, Ga.
Grocers' National Bank of New York city.
First National Bank of Froatburg, Md.
First National Bank of Commerce, Georgetown, D. C.
The following named national banks are in voluntary liquidation, and have deposited United States notes in the Treasury for the redemption of one standing circulation:

First National Bank of Columbia, Mo.
Frist National Bank of Columbia, Mo.
Frist National Bank of Columbia, Mo.
Frist National Bank of Columbia, Mo.
First National Bank of Gedarburg, Wis.
First National Bank of Gedarburg, Wis.
First National Bank of South Worcester, N. Y.
These lists embrace, as will be seen, the names of sixy-four national banks that have already failed or gone into voluntary liquidation.

The Depositors. It must amount to very many million dollars. Not only were individual depositors suiferers, but, in some instances, the national government was a depositor, and, consequently, a loser of large sums; though for government deposits in national banks a partial security has been required, in the shape of bonds deposited in the Treasury to secure United States depositor.

In The Wrong Direction. Instead of giving the national onn's \$50,000,000 more, Congress should reposit the national banks. General Garfield's bill looks very much like it. The proposed legislation is exactly in the wrong direction. Instead of giving the national onn's \$50,000,000 more, Congress should reposit the original act, retire their cir

## THE NEW EXCISE LAW.

How It is Being Enforced in the Rural Towns—The Liquor Dealers Determined not to Observe It.

The excitement which the new Excise law created

in this city has broken out in the rural towns of Long Island with great flerceness and strength. The boards met on Monday and fixed the license fee. As is well known, in most of the towns there are two boards. In incorporated villages the Board of Trusboards. In incorporated villages the Board of Trustees compose the Excise Board and in the town the supervisor and Justices of the peace. When the boards met on Monday the town board fixed the fee at thirty dollars and the village board at seventy-five dollars. The liquor dealers doing business in the villages are dissatisfied with this and claim that they should have a license for the same amount as those doing business outside of the corporation. Those who are opposed to the sale of intoxicating liquors think that the amount was too small by half, and are openly condemning the boards. The liquor dealers in the villages openly avow their intention to oppose the law and sell without the license, and from present indications the irouble will be more inveterate and the authorities more defiantly treated than was the Metropolitan Excise Board during the past two years. A disturbance is daily anticipated between the respective boards.